

Amendments to the Drawings

The attached sheets of drawings translate the Italian-language wording of originally-filed Figs. 3 and 5 into English.

Attachments: Two (2) Replacement Sheets (Figs. 3 and 5)
Two (2) Annotated Marked-up Drawings (Figs. 3 and 5)

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REMARKS/ARGUMENTS

Applicants submit this Amendment, together with a Petition for Extension of Time, in reply to the Office Action mailed April 15, 2003.

In this Amendment, Applicants amend claim 11 to better define the claimed invention and to improve clarity. Applicants also amend claim 14 to improve clarity. Additionally, Applicants add new claims 21 and 22. Further, Applicants amend a paragraph in the specification and amend Figs. 3 and 5 to translate the Italian-language wording of originally-filed Figs. 3 and 5 into English.

Before entry of this Amendment, claims 11-20 were pending in this application. After entry of this Amendment, claims 11-22 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the specification; the amendments to claims 11 and 14; the addition of new claims 21 and 22; and the amendments to Figs. 3 and 5. No new matter was introduced.

In the Office Action, the Examiner objected to the drawings; rejected claims 11-13 and 18-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,830,506 to Borzenski ("Borzenski"); rejected claims 11, 12, 14, 15, and 18-20 under 35 U.S.C. § 102(b) as being anticipated by European Patent Document No. 0,845,339 ("EP '339"); and rejected claim 16-17 under 35 U.S.C. § 103(a) as obvious over Borzenski or EP '339 in view of U.S. Patent No. 6,312,148 to Deal et al. ("Deal").

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Drawings

The drawing corrections include two (2) Replacement Sheets (Figs. 3 and 5) and two (2) Annotated Marked-up Drawings (Figs. 3 and 5). The drawing corrections translate the Italian-language wording of originally-filed Figs. 3 and 5 into English.

Applicants believe that all reference characters in the drawings are described in the detailed description portion of the specification. Applicants also believe that all reference characters mentioned in the specification are included in the appropriate drawings.

Section 102(b) Rejections—Independent Claim 11

Applicants submit that independent claim 11, as amended, is patentable under 35 U.S.C. § 102(b) over the cited references, including Borzenski, EP '339, Deal, and the other art of record.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or implicitly. See M.P.E.P. 706.02 (8th ed., Rev. 1, 2003). Neither Borzenski, EP '339, Deal, nor the other art of record, however, teaches, explicitly or implicitly, all aspects of claim 11, including at least “wherein a position-time profile of the pressing ram is controlled during moving the pressing ram from the upper end-of-stroke position to the lower end-of-stroke position so that mixing of the material is completed as the pressing ram reaches the lower end-of-stroke position.”

Because neither Borzenski, EP '339, Deal, nor the other art of record teaches, either explicitly or implicitly, all aspects of claim 11, Applicants submit that independent claim 11 is patentable under 35 U.S.C. § 102(b) over the cited references, including Borzenski, EP '339, Deal, and the other art of record.

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Section 102(b) Rejections—Dependent Claims 12-15 and 18-22

Applicants submit that dependent claims 12-15 and 18-22 are patentable under 35 U.S.C. § 102(b) over the cited references, including Borzenski, EP '339, Deal, and the other art of record. This is true at least due to the direct or indirect dependency of claims 12-15 and 18-22 from independent claim 11.

Rejections Under 35 U.S.C. § 103(a)—Dependent Claims 16 and 17

Applicants submit that dependent claims 16 and 17 are patentable under 35 U.S.C. § 103(a) over the cited references, including Borzenski, EP '339, Deal, and the other art of record. This is true whether such art is considered alone or in any proper combination.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, each of three requirements must be met. First, the references, when combined, must teach or suggest all the claim limitations. M.P.E.P. 2143.03 (8th ed., Rev. 1, Feb. 2003). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. M.P.E.P. 2143.01 (8th ed., Rev. 1, Feb. 2003). Third, there must be a reasonable expectation of success that the proposed combination will work for the intended purpose. M.P.E.P. 2143.02 (8th ed., Rev. 1, Feb. 2003). Moreover, the second and third requirements “must both be found in the prior art, not in applicant’s disclosure.” M.P.E.P. 2143 (8th ed., Rev. 1, Feb. 2003).

As discussed above, however, neither Borzenski, EP '339, Deal, nor the other art of record teaches, either explicitly or implicitly, all aspects of independent claim 11. Further, no proper combination of the cited art teaches or suggests all the limitations of independent

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claim 11, including at least “wherein a position-time profile of the pressing ram is controlled during moving the pressing ram from the upper end-of-stroke position to the lower end-of-stroke position so that mixing of the material is completed as the pressing ram reaches the lower end-of-stroke position.” Because claims 16 and 17 depend indirectly from claim 11, no proper combination of the cited art teaches or suggests all the limitations of dependent claims 16 and 17. For at least this reason, dependent claims 16 and 17 are patentable under 35 U.S.C. § 103(a) over the cited references, including Borzenski, EP ’339, Deal, and the other art of record.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 8, 2003

By: 
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